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 CENTRAL INTELLIGENCE AGENCY  
 WASHINGTON, D.C. 20505

10 MAY 1976

Mr. James M. Frey  
 Assistant Director for Legislative Reference  
 Office of Management and Budget  
 Washington, D.C. 20503

Dear Mr. Frey:

Enclosed is a proposed report to Chairman Rodino, House Committee on the Judiciary, in response to a request for our recommendations on H.R. 11365, a bill "To provide for the personal safety of those persons engaged in furthering the foreign intelligence operations of the United States."

Advice is requested as to whether there is any objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

SIGNED

Legislative Counsel

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Enclosure

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WASHINGTON, D.C. 20505

Honorable Peter W. Rodino, Chairman  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for this Agency's views on H.R. 11365, a bill "To provide for the personal safety of those persons engaged in furthering the foreign intelligence operations of the United States."

H.R. 11365 would amend 18 U.S.C. 793 by adding thereto a new subsection "(h)." Clause (1) of this proposed subsection would apply only to persons who, by virtue of their relationship with the United States Government, have been entrusted with information which associates individuals or entities with U.S. foreign intelligence operations and which is designated for a specific degree of protection pursuant to Executive order or statute. These persons would be subject to criminal sanctions for willful disclosure of such information to any person not authorized to receive it. Clause (2), which would apply to all other persons, imposes criminal sanctions only where the individual disclosing the information does so with the specific intent to associate an individual with U.S. foreign intelligence operations and with knowledge or a reason to believe that such disclosure may prejudice the safety or well-being of the individual identified.

The exposure of individuals involved in the foreign intelligence operations of the United States can seriously jeopardize their personal safety and the safety of their families and associates. Although the nation has already witnessed tragedy in this respect, groups and individuals within the United States, whose avowed purpose is to destroy our nation's foreign intelligence capability, are still attempting to discover and publish the identities of American clandestine intelligence personnel. Existing laws are almost completely inadequate in deterring this kind of malicious act. This Agency, therefore, strongly supports legislation, such as H.R. 11365, which will strengthen existing law in this respect.



Preventing the exposure of clandestine intelligence personnel is the most acute aspect of the broader problem of protecting intelligence sources and methods in general from unauthorized disclosure. Over the years, serious damage to our foreign intelligence effort has resulted from the unauthorized disclosure of information related to intelligence sources and methods. In many cases, these disclosures have been made by individuals who acquired access to sensitive information by virtue of a special relationship of trust with the United States Government. Current law, in our opinion, does not adequately cover situations where deliberate breach of this relationship of trust occurs. In addition to measures such as those proposed in H.R. 11365, this Agency believes that the Congress should consider legislation which will deal with this general problem of protecting intelligence sources and methods. Such legislation was proposed by the President in his 18 February message and has since been introduced in the House of Representatives as H.R. 12006.

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

George Bush  
Director

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